

PATENT

Serial No. 10/511,812

Amendment in Reply to Office Action mailed on February 14, 2006

IN THE DRAWING

Please replace FIGs 1-2 with the enclosed replacement FIGs 1-  
2.

PATENT  
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REMARKS

The following remarks are being filed in response to the Office Action mailed February 14, 2006, which has been reviewed and carefully considered.

By means of the present amendment, claims 1-14 have been amended and new claims 15-19 have been added. Claims 1-19 are now pending in this application, with claims 1, 11 and 15 being the only independent claims.

Reconsideration and allowance of the application in view of the following remarks are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, claims 1-14 have been amended for better conformance to U.S. practice, such as beginning the dependent claims with 'The' instead of 'A' and changing "characterized" to --wherein--. Claims 1-14 were not amended in order to address issues of patentability and Applicant respectfully reserve all rights under the Doctrine of Equivalents.

PATENT

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In the Office Action, claims 4-14 were objected to as being in improper form because of multiple dependencies. Accordingly, claims 4-14 were not considered on the merit. In response, claims 4-14 have been amended to remove the improper multiple dependencies. Applicant respectfully request withdrawal of this objection and consideration on the merits of claims 4-14.

In the Office Action, the Examiner objected to the drawings due to lack of label of empty boxes. In response, labels have been added to the boxes in FIGs 1-2. Further, box 16 in FIG 1 has been deleted. Applicant respectfully requests withdrawal of the drawings objection and approval of the enclosed proposed drawing changes.

In the Office Action, claims 1-3 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2001/0006500 (Nakajima). It is respectfully submitted that claims 1-19 are patentable over Nakajima for at least the following reasons.

Nakajima is directed to a recording apparatus including a jitter detector. It is respectfully submitted that Nakajima does not teach or suggest the present invention as recited in

PATENT

Serial No. 10/511,812

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independent claims 1, 11 and 15, that amongst other patentable elements, claim 15 recites the following, with similar recitations in independent claims 1 and 11 (illustrative emphasis provided):

a control circuit configured to control power of said laser beam as a function of temperature inside said housing.

Accordingly, it is respectfully submitted that independent claims 1, 11 and 15 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-10, 12-14 and 16-19 should also be allowed at least based on their dependence from independent claims 1, 11 and 15.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due beyond the fee for additional claims to be charged to

PATENT

Serial No. 10/511,812

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the credit card as noted by the enclosed authorization. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
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May 15, 2006

Enclosure: Replacement drawing sheet (1 sheet including FIGs 1-2)  
New Abstract

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PATENT  
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IN THE ABSTRACT

Please delete the current Abstract in its entirety and  
substitute therefor the enclosed New Abstract.